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1 **William Balbinot, and you said you came upstairs?**

2 A. Yeah, I came upstairs to get some coffee, and
3 that's -- yeah, that's --

4 **Q. Then you found out what he was inquiring**
5 **about?**

6 A. Yes.

7 **Q. And that's when you disclosed to him for the**
8 **first time --**

9 A. Yeah, that's the first time I disclosed it to
10 him or anyone else other than the father.

11 MR. CAMIEL: Thank you.

12 CHAIRWOMAN O'CONNOR: Ms. Plubell?

13 MS. PLUBELL: I have nothing further.

14 CHAIRWOMAN O'CONNOR: You may be excused. We
15 will take a 10-minute break.

16 We will start at 18-minutes-after-10.

17 (A brief recess was taken.)

18 CHAIRWOMAN O'CONNOR: We will come to order.

19 All of the attorneys are present.

20 JUDY RED DOG GRAYHAWK, WITNESS, SWORN

21 CHAIRWOMAN O'CONNOR: You may proceed.

22 Could we have quiet, please?

23 You may proceed.

24
25 ///

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1 DIRECT EXAMINATION

2 BY MR. CAMIEL:

3 **Q. Ma'am, could you state your full name and**
4 **spell your last name for us?**

5 A. My name is Judy Red Dog Grayhawk,
6 G-R-A-Y-H-A-W-K.

7 **Q. Where do you live?**

8 A. Poplar, Montana.

9 **Q. How long have you lived there?**

10 A. Pretty close to 50 years. I'm 50 years old.

11 **Q. And are you related to Maude Grayhawk?**

12 A. Yes, I am.

13 **Q. How are you related to her?**

14 A. She is my sister-in-law. I'm married to her
15 older brother, Steve Grayhawk, Jr.

16 **Q. And so your husband is Steve Grayhawk, Jr.**
17 **Who is your husband's father?**

18 A. Steve Grayhawk, Sr.

19 **Q. And he is -- is he the Steve Grayhawk that had**
20 **been a member of the Poplar Police Department at one time?**

21 A. Yes, he is.

22 **Q. What do you do for a living?**

23 A. I'm a vocational rehabilitation counselor in
24 Poplar.

25 **Q. How long have you been doing that kind of**

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1 **work?**

2 A. Since 2000.

3 **Q. And I don't know if I asked you already: How**
4 **long have you been married to Steve Grayhawk, Jr.?**

5 A. Thirty years.

6 **Q. Do you have children?**

7 A. Yes, we do. We have three sons.

8 **Q. How old are your sons?**

9 A. Thirty, twenty-five, and twenty-three.

10 **Q. Are you -- in addition to being the**

11 **sister-in-law of Maude Grayhawk, are you friends with her**
12 **or acquaintances? Or what's the nature of your**
13 **relationship?**

14 A. With Maude?

15 **Q. Yes.**

16 A. I guess we're not really best friends or --
17 we're in-laws, put it that way. But I don't have any
18 animosity toward her.

19 **Q. I want to ask you about a phone conversation**
20 **you had with Maude in the spring of 2004. Was there an**
21 **occasion where she called you and there was some unusual**
22 **statements made by her?**

23 A. Yes, there were.

24 **Q. Were you at home when she called?**

25 A. Yes, I was.

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1 **Q. Was she calling to talk to you or to somebody**
2 **-- was she looking for somebody else?**

3 A. She was looking for my oldest son, Steven.
4 They used to drink together or party together. And my son
5 Steven's nickname is "Mouse". He's had that since he was
6 a newborn baby. And most of the time, I refer to him as
7 "Mouse".

8 **Q. So she calls. And are you the one who**
9 **answered the phone?**

10 A. Yes, I did.

11 **Q. And tell us about the phone conversation.**

12 A. Well, she called and asked for Mouse. She did
13 -- I call him -- well, he's known by "Steven", but she
14 asked for Mouse and wanted to know where he was.

15 And I said, "He's downstairs sleeping."

16 And this was in the late afternoon. She said she
17 wanted him to come pick her up, because he had a car. She
18 wanted to get away from some investigator that was
19 investigating the Kim Nees murder. And she sounded kind
20 of despondent or -- I can't really think of a word other
21 than "despondent" or "lethargic", or whatnot. And she
22 started rambling on about how an investigator was at her
23 door and she wanted to get away from him, she wanted
24 Steven to come pick her up.

25 And I said, "Well, why is that investigator looking

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1 for you?"

2 And she said, "You know, over that Kim Nees murder."

3 And she said, "All I did was kick her in the head a few
4 times. And I lured, and I lured her down there."

5 And I just listened. And it just started making me
6 feel -- it really upset me. I just didn't want to talk --
7 it just blew my mind, in other words, because I really --
8 I'm not that close to her that I would know something like
9 this, or -- it just blew my mind. It just really upset
10 me. I just couldn't handle it. And I wanted to know why
11 she was leaving it on my shoulders. I mean why did she
12 give me that information? I didn't want it, and I didn't
13 know what to do with it.

14 So I called -- as soon as I hung up from -- as soon
15 as she hung up, I called my sister who I'm really close to
16 because I only have one sister. *Who?*

17 And I just said, "Mary, my God, I can't believe what
18 Maude said," and then I told her about what I just told
19 you people.

20 And it just -- I was just upset. I didn't know what
21 to do. And I wanted to calm down somehow, or -- but the
22 next thing I know, I talked to my husband, and we went
23 down to the Legion Club where Glenna works, and I just
24 laid it on Glenna's shoulders next.

25 MS. BOWMAN: And who is Glenna?

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1 THE WITNESS: Glenna Nees. Glenna runs the
2 Legion Club in Poplar.

3 And I just had to get it off my shoulders
4 because I didn't want to carry that around. I mean it's
5 not information that I wanted to keep in me. I mean I
6 just, I just had to get rid of it somehow. I just didn't
7 want no part of it. I mean it just blew my mind. If she
8 told me anything else like, you know, something not like a
9 murder, you know, I probably could handle it; but
10 something like this just really upset me because, you
11 know, it's not every day that you get a phone call and
12 they start talking about their part in a murder, or
13 something. So I just couldn't handle it.

14 **Q. (By Mr. Camiel) Let me go -- I want to make**
15 **sure we're clear: First of all, she was referring to the**
16 **Kim Nees murder? There's no question in your mind about**
17 **that?**

18 A. She directly said, "It's about that Kim Nees
19 murder."

20 **Q. And she said that because the investigator who**
21 **was trying to talk to her wanted to talk to her about**
22 **that?**

23 A. Yes.

24 **Q. Did she mention the name of the investigator?**

25 A. I think she made a reference, something like

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1 that Ron Kemp -- and I never knew who he was until -- I
2 didn't know who he was. But she said something like, "Ron
3 Kemp is looking for me about something to do with this Kim
4 Nees murder."

5 **Q. When you asked her, I think at one point you**
6 **said you asked her why they would want to talk to her**
7 **about that, or something to that effect.**

8 A. (Nodding head affirmatively.)

9 **Q. As close as you can remember, what are the**
10 **words that she said?**

11 A. When I asked -- when --

12 **Q. Yes.**

13 A. Well, she said, "There's an investigator at
14 the house. His name is Ron Kemp, and he's investigating
15 that Kim Nees murder. And I just want to get away. I
16 want Steven -- or Mouse to come pick me up because I just,
17 I just don't want to talk to them."

18 And she said, "All I ever did was just kick her in
19 the head a few times, and -- but I did lure her down
20 there." And that's basically what she said.

21 Is that what you mean?

22 **Q. Did she refer to anyone else, or did she just**
23 **refer to herself?**

24 A. She just referred to herself.

25 **Q. How long did the phone conversation last?**

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1 A. About two minutes, maybe; the longest, two
2 minutes -- or, you know, it wasn't very long. She just
3 made that -- asked for my son, made the statement. And,
4 you know, I kind of didn't want to hear any more. I just
5 didn't want hear more. The first sentence, the first
6 sentences about her, you know, kicking her head in a few
7 times, already that just blew my mind, and I didn't want
8 to really hear any more.

9 **Q. Was it the very same day or later that day**
10 **that you went down to the Legion --**

11 A. Well, it was roughly an hour and a half later,
12 maybe, because I was really upset.

13 **Q. Why was it that you told Glenna Nees? Of all**
14 **the people you could tell, why did you tell her?**

15 A. Well, because I know that Glenna's related to
16 Kim, and I just wanted, I don't know, her to know this
17 information, I guess. I don't know.

18 **Q. Now, at some point, you were contacted by some**
19 **of the investigators from Centurion Ministries?**

20 A. Hm-hmm.

21 **Q. Do you remember when that was?**

22 A. No. I think it might have been a couple of
23 months later. I can't really say the time frame.

24 **Q. Do you know how the investigators got to you?**

25 A. I know I was just contacted by -- I think I

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1 was contacted by telephone first, by Richard Hepburn. And
 2 I didn't know who he was. And he wanted to know if he
 3 could meet me. And I kind of was scared to say anything
 4 because, like I said, I wanted that off my shoulders right
 5 away, fast. You know, and I just didn't want to talk
 6 about it. And so I think he contacted me a few times
 7 until I finally agreed to meet with him. It might have
 8 been about two or three attempts by Richard.

9 **Q. Were you fearful of coming forward?**

10 A. Actually, I kind of was.

11 **Q. Why?**

12 A. Well, I don't know -- well, I guess probably
 13 because I -- Maude plays mind games sometimes with people.
 14 And I knew that maybe if, if she knew that I made the
 15 statement to Centurion Ministries, I don't know, I thought
 16 maybe she would try to get back at me somehow, or -- that,
 17 and I'm related so close to this family that I just felt
 18 like I was backstabbing my family, because she's my
 19 sister-in-law and that's my husband's sister and it's my
 20 father-in-law's daughter. And I just have really been at
 21 odds with myself over this. This hasn't been easy.

22 **Q. Did you have discussions with your husband**
 23 **about coming forward?**

24 A. Yes, I did.

25 **Q. Was there some difficulty because of that?**

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1 A. There was a lot of difficulty. He threatened
 2 to divorce me. But we just talked, and I just said,
 3 "Well, go ahead and divorce me, but I'm not going to back
 4 down from my statement. It's the truth, and I'm not going
 5 to perjure myself."

6 **Q. And for awhile, you didn't want to sign a**
 7 **statement; isn't that true?**

8 A. Yes.

9 **Q. Why was that?**

10 A. Like I said before, I thought there would be a
 11 lot of, a lot of trouble within my family, like my
 12 husband, my father-in-law, and her. And, yeah, I just --
 13 it was just going to cause a lot of internal turmoil
 14 within my family. (And it did,) but I stood my grounds.

15 **Q. You ended up resolving the difficulties with**
 16 **your husband? He drove you out here, didn't he?**

17 A. I resolved it finally because, you know, I
 18 just, I just finally stood up to him. I mean I just said,
 19 "You know, I'm not going to perjure myself, I'm not going
 20 to lie for your sister. You can divorce me if you want to
 21 - fine, I don't care - but I'm not going to lie about
 22 something like this."

23 And we had a long discussion. It took us probably
 24 like about a whole day of getting mad at each other,
 25 thinking about things, fighting, going back, agreeing to

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1 divorce, getting back together. It took us about seven
 2 hours; but, finally, he started to see my side of the
 3 story, or something. And when I told him I had to be here
 4 Wednesday morning at eight, he agreed to drive me out here
 5 and to stand beside me. And he's at the hotel right now.

6 **Q. Have you talked to Maude Grayhawk since that**
 7 **phone conversation where she told you this stuff?**

8 A. No, I -- after that phone call, I lost contact
 9 with her because she moved to Colorado. And I don't
 10 really move in the same circles as her. She lives a
 11 different life and I live a different life. But I think
 12 my children may see her now and then, but I don't.

13 **Q. So you've had no contact with her?**

14 A. No, I haven't; uh-uh.

15 MR. CAMIEL: Thank you, that's all I have.

16 CROSS-EXAMINATION

17 BY MS. PLUBELL:

18 **Q. Is it okay if I call you "Judy"?**

19 A. (Nodding head affirmatively.)

20 **Q. Okay. My name is Tammy Plubell, and I'm from**
 21 **the attorney general's office.**

22 And you and I have never met before, have we?

23 A. No.

24 **Q. And first of all, I'd like to thank you for**
 25 **being here, and I'm really glad that your husband brought**

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1 you.

2 And I'm wondering: When you say you don't move in
 3 the same circles, Maude has kind of a history of drug and
 4 alcohol usage, hasn't she?

5 A. Yeah, she has.

6 **Q. And there was a period of time when she lived**
 7 **sort of a rough life, correct?**

8 A. Yeah.

9 **Q. Yeah. And that's not the life you chose to**
 10 **live, is it?**

11 A. No.

12 **Q. No. And I just want to get a couple things**
 13 **clear, and that is: When Maude called you with that**
 14 **conversation that you've relayed, she had not talked to**
 15 **Ron Kemp, correct?**

16 She said she wanted to get away from talking to him,
 17 right?

18 A. Yes.

19 **Q. That's what she said?**

20 A. Hm-hmm.

21 **Q. So just to the best of your knowledge, there**
 22 **had been no conversation that had occurred?**

23 A. To the -- no.

24 **Q. Okay.**

25 A. It was like she was trying to just --

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1 Q. Because she wanted --
 2 A. Yeah.
 3 Q. -- your son to go --
 4 A. Yeah.
 5 Q. -- pick her up and give her a --
 6 A. Hm-hmm, yeah.
 7 Q. Do you know whether or not she ever did talk
 8 to Ron Kemp?
 9 A. No, I don't. I don't know.
 10 Q. Okay. And did Centurion Ministries give you
 11 any information about this case, Judy?
 12 A. This case?
 13 Q. Hm-hmm.
 14 A. No.
 15 Q. They didn't tell you that they had an
 16 eyewitness that placed Maude at the scene, or anything
 17 like that?
 18 A. No.
 19 Q. Okay. Are you at all familiar with the facts
 20 of the case, Judy?
 21 A. I actually really haven't, you know.
 22 Q. Okay. And I'm talking now -- I'm sorry, I'm
 23 talking about Kim Nees's actual murder.
 24 A. Yeah.
 25 Q. Are you at all familiar with that?

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1 A. When this murder took place, I was like 22
 2 years old.
 3 Q. Okay.
 4 A. And I heard about it, but I was too busy
 5 raising my children and doing other things. And I was
 6 devastated by it. It was a sad thing.
 7 Q. It was a hard for you to keep --
 8 A. Yeah. But I didn't keep up on it, no.
 9 Q. And there is a lot of rumor and gossip that
 10 goes around in Poplar, isn't there?
 11 A. Yeah, it's really --
 12 Q. Because it's a small town, and that sometimes
 13 happens, right?
 14 A. Hm-hmm.
 15 MS. PLUBELL: And I really don't think I have
 16 any more questions for you. And thanks for being here.
 17 CHAIRWOMAN O'CONNOR: Do you have more
 18 questions?
 19 MR. CAMIEL: No, I don't.
 20 CHAIRWOMAN O'CONNOR: When was this phone
 21 call? I think you said, but I didn't --
 22 THE WITNESS: What time of the day, or what
 23 day?
 24 CHAIRWOMAN O'CONNOR: No. Like when about was
 25 it?

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1 THE WITNESS: It was like in February of 2004.
 2 I can't remember the exact date, but I can -- (pause.)
 3 CHAIRWOMAN O'CONNOR: The call, when --
 4 THE WITNESS: I know it was like on a -- it
 5 was a day I really didn't have to work, because I go to
 6 work every day. And so I think it -- it was in February.
 7 And the only thing I can, the only thing I can think of is
 8 it may have been on a holiday or on a day when the tribes
 9 released us because it was too, too much snow, or
 10 something.
 11 CHAIRWOMAN O'CONNOR: And that February of
 12 2004 is when Maude called you?
 13 THE WITNESS: Yes.
 14 CHAIRWOMAN O'CONNOR: That phone call, okay.
 15 THE WITNESS: Yeah.
 16 CHAIRWOMAN O'CONNOR: All right, you may be
 17 excused. Thank you for appearing.
 18 MS. BOWMAN: I have one question.
 19 CHAIRWOMAN O'CONNOR: I'm sorry.
 20 MS. BOWMAN: I just wondered: The fact that
 21 (your father-in-law) was law enforcement in that town, and
 22 stuff, have you had that discussion with him at all about
 23 what you were told that day? Or do you know if your
 24 husband's had any discussion with him?
 25 THE WITNESS: I tried to talk to him about it.

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1 one time in March right after I talked to Richard from
 2 Centurion Ministries. And he's the type of guy that walks
 3 really fast, talks really fast, and doesn't really slow
 4 down enough to talk, talk normally, or whatever. I don't
 5 know. I tried to tell him that Maude may have been
 6 involved -- or bring it up to him, but he walked away from
 7 me really fast.
 8 And he just said, "Well, she either did it or
 9 she didn't," and he just kept on walking.
 10 MS. BOWMAN: So that was the only conversation
 11 you had with him?
 12 THE WITNESS: (Nodding head affirmatively.)
 13 MS. BOWMAN: That was the only conversation.
 14 CHAIRWOMAN O'CONNOR: Do you have any
 15 questions?
 16 MR. CURTISS: No.
 17 CHAIRWOMAN O'CONNOR: Okay, thank you.
 18 MS. BOWMAN: Thank you.
 19 MR. CURTISS: Thank you.
 20 (Pause in proceedings.)
 21 CHAIRWOMAN O'CONNOR: You're still sworn. You
 22 were sworn yesterday. Thank you for returning.
 23 You may proceed.
 24
 25

/// Ron Kemp

///

30 (Pages 567 to 570)